



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNUDSON ET AL. Examiner: J. REIDEL
Serial No.: 10/756,166 Group Art Unit: 3766
Filed: JANUARY 12, 2004 Docket: 14283.1USI6
Confirmation No.: 2117 Notice of Allow. N/A
Date:
Due Date: N/A
Title: MOVEMENT DISORDER STIMULATION WITH NEURAL BLOCK

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 7, 2006.

By: *Linda M. Beckman*

Name: Linda M. Beckman

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 19 Reference(s)
- ☒ Other: Statement of Related Cases
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By: *Timothy R. Conrad*
Name: Timothy R. Conrad
Reg. No.: 30,164
TRC:lmb



N 10/756,166

PATENT

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Serial No.:	10/756,166	Group Art Unit:	3766
Filed:	JANUARY 12, 2004	Docket No.:	14283.1USI6
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By: 

Name: Linda M. Beckman

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. § 1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

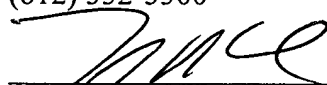
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

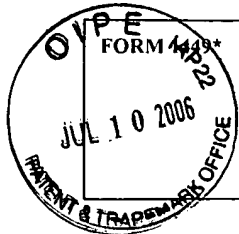
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Date: 7/7/01





Timothy R. Conrad
Reg. No. 30,164
TRC:lmb



INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

14283.1US16

Application Number:

10/756,166

Applicant: KNUDSON ET AL.

Filing Date: 01/12/04

Group Art Unit: 3766

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,199,430	04/06/1993	Fang et al.			
	5,423,872	06/13/1995	Cigaina			
	5,514,175	05/07/1996	Kim et al.			
	6,341,236	01/22/2002	Osorio et al.			
	6,369,079	04/09/2002	Rubin et al.			
	2003/0018367 A1	01/23/2003	DiLorenzo			
	2003/0045909 A1	03/06/2003	Gross et al.			
	6,558,708	05/06/2003	Lin			
	6,684,105	01/27/2004	Cohen et al.			
	2004/0167583 A1	08/26/2004	Knudson et al.			
	2004/0172085 A1	09/02/2004	Knudson et al.			
	2004/0176812 A1	09/09/2004	Knudson et al.			
	6,853,862	02/08/2005	Marchal et al.			
	2005/0038484 A1	02/17/2005	Knudson et al.			
	2005/0049655 A1	03/03/2005	Boveja et al.			
	2005/0070970 A1	03/31/2005	Knudson et al.			
	2005/0070974 A1	03/31/2005	Knudson et al.			
	6,895,278	05/17/2005	Gordon			
	6,928,320	08/09/2005	King			
	6,993,391	01/31/2006	Flesler et al.			
	2006/0036293 A1	02/16/2006	Whitehurst et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 14283.1US16	Application Number: 10/756,166
	Applicant: KNUDSON ET AL.	
	Filing Date: 01/12/04	Group Art Unit: 3766

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Burneo, et al., "Weight Loss Associated With Vagus Nerve Stimulation", <u>Neurology</u> , Vol. 59, pp. 463 – 464 (August (1 of 2) 2002).
		Cigaina, "Gastric Pacing As Therapy For Morbid Obesity", <u>Obesity Surgery</u> , Vol. 12, Supplement, pp. 12S – 16S (2002).
		Cyberonics, Inc 2001 Annual Report, pp. 1, 5-7 and 16 (2001).
		Cyberonics, Inc. 2003 Form 10-K to Securities and Exchange Commission, pp. 1 and 10 as printed on May 23, 2006 from http://www.secinfo.com/dsvRu.23yb.htm .
		D'Argent, "Gastric Electrical Stimulation: Preliminary Results", <u>Obesity Surgery</u> , Vol. 12, Supplement, pp. 21S – 25S (2002).
		George, et al., "Vagus Nerve Stimulation Therapy", <u>Neurology</u> , Vol. 59 (Suppl 4) pp. S56 – S61 (2002).
		Holst et al., "Nervous Control of Pancreatic Exocrine Secretion in Pigs", <u>Acta Physiol. Scand.</u> , Vol. 105, pp. 33 – 51 (1979).
		ICD-10, "Classification of Mental and Behavioural Disorders", World Health Organization (1992), 2 pages, printed from http://www.mental-health-matters.com/disorders/dis_details .
		Koren et al., "Vagus Nerve Stimulation Does Not Lead To Significant Changes In Body Weight In Patients With Epilepsy", <u>Epilepsy & Behavior</u> , Vol. 8, pp. 246 – 249 (2005).
		Kosel, et al., "Beyond the Treatment of Epilepsy: New Applications of Vagus Nerve Stimulation in Psychiatry", <u>CNS Spectrums</u> , Vol. 8, No. 7, pp. 515 – 521 (July 2003).
		Martin-Portugues, et al., "Histopathologic Features of the Vagus Nerve After Electrical Stimulation in Swine", <u>Histol Histopathol</u> , Vol. 20, pp. 851 – 856 (2005).
		"Medical Care for Obese Patients", U.S. Department of Health and Human Services, National Institute of Diabetes and Digestive and Kidney Diseases, pp. 1 – 6, NIH Publication No. 03-5335, February 2003.
		Medical Encyclopedia: Anorexia Nervosa, U.S. National Library of Medicine and National Institutes of Health, pp. 1 – 3 (June 22, 2004) printed from http://www.nlm.nih.gov/medlineplus/print/ency/article/000362.htm , June 6, 2006.
		Netter, "Atlas of Human Anatomy", 3rd Ed., Plate 120, (Icon Learning Systems, New Jersey) (2003).
		"Obesity and Technology: Can the stomach be fooled", Reuters (April 26, 2006), 3 pages, http://news.yahoo.com/s/nm/20060426/us_nm/bizfeature_obesity_technology_de&printer as printed on May 23, 2006.
		Roslin, et al., "Vagus Nerve Stimulation in the Treatment of Morbid Obesity", Ch. 6 to <u>Vagus Nerve Stimulation</u> , 2 nd Ed., pp. 113-121 (Schlachter et al. ed., Martin Dunitz), 2003.
		Roslin et al., "The Use Of Electrical Stimulation Of The Vagus Nerve To Treat Morbid Obesity", <u>Epilepsy & Behavior</u> , Vol. 2, S11 – S16 (2001) at p. S13.
		Shikora, "'What are the Yanks Doing' The U.S. Experience with Implantable Gastric Stimulation (IGS) for the Treatment of Obesity – Update on the Ongoing Clinical Trials", <u>Obesity Surgery</u> , Volume 14, Supplement, S40 – S48 (2004).

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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	Applicant: KNUDSON ET AL.	
	Filing Date: 01/12/04	Group Art Unit: 3766

	Steinbrook, R., "Surgery for Severe Obesity", <u>New England J. Med.</u> , Vol. 350, pp. 1075 – 1079 (2004).
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S/N 10/756,166

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By: 

Name: Linda M. Beckman

STATEMENT OF RELATED CASES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The present application is one of a number of applications having, at least in part, common priority dates and disclosures. The status of these applications is set forth in the following table:

Attorney Docket No. (all with "14283" prefix	Serial No.	Filing Date	Priority Claim	Status
1US01	10/358,093	2/3/03	None	Abandoned for failure to respond to Office Action of 12/12/05
1USD1	11/450,202	6/9/06	Divisional of 10/358,093	Awaiting first Office Action
1USI1	10/674,330	9/29/03	CIP of 10/358,093	6/9/06 Office Action
1USI2	10/675,818	9/29/03	CIP of 10/358,093	4/26/06 Office Action
1USI3	10/674,324	9/29/03	CIP of 10/358,093	3/24/06 Office Action
1USI4	10/752,944	1/06/04	CIP of 10/674,330, 10/675,818, 10/674,324 and 10/358,093	Amendment filed 7/06/06

1USI5	10/752,940	1/06/04	CIP of 10/674,330, 10/675,818, 10/674,324 and 10/358,093	Awaiting first Office Action
1USI6	10/756,166	1/12/04	CIP of 10/674,330, 10/675,818, 10/674,324, 10/752,944 and 10/752,940	Response to Restriction Requirement filed 5/25/06
1USI7	10/756,176	1/12/04	CIP of 10/674,330, 10/675,818 and 10/674,324	6/12/06 Office Action
1USI0	10/881,045	6/30/04	CIP of 10/674,324, 10/674,330, 10/675,818, 10/752,940, 10/752,944 and 10/358,093	5/16/06 Office Action
1USI1	11/040,767	1/21/05	CIP of 10/881,045, 10/674,324, 10/674,330, 10/675,818, 10/752,940, 10/752,944 and 10/358,093	Awaiting first Office Action

Respectfully submitted,

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7/7/06



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